

LIABILITY WAIVERS / ASSUMPTIONS OF RISK

What is it?

Generally, a **liability waiver** is a contract in which an individual agrees that they will not bring a legal claim against an entity, usually in exchange for the opportunity to participate in an activity that the entity is providing. Usually, these activities pose some level of risk, which could result (however unlikely) in personal injury or property damage to the participating individual. Therefore, entities ask these individuals to waive their right to sue – thereby waiving the entities' liability. Liability waivers are also called “general liability releases,” “waivers,” “indemnity agreements,” “hold harmless agreements” and “covenants not to sue.”

Assumptions of Risk (“AOR”) are stronger, more specific liability waivers. Like waivers, Assumptions of Risk are also contracts in which an individual agrees that they will not bring a legal claim against an entity in exchange for participation in an activity – except that AOR's list the specific risks at issue. By specifically defining the potential risks of an activity, the entity providing the opportunity enables the individual to make an informed decision as to whether they are willing to undertake (or assume) these risks. By signing an AOR, individuals indicate that they are. Assumptions of Risk take more time than liability waivers because you must identify the different risks with each new activity and write a new form that communicates these risks to the participants. However, they enable the participant to make a more informed choice and therefore may carry more weight than a liability waiver.

Why is this important?

There are a number of situations at UConn where the use of one or both of these forms is recommended. A good example is [Oozeball](#), hosted by the Alumni Association over Spring Weekend. There are certain risks associated with playing volleyball in a foot of thick mud – but, it's a lot of fun and many students, staff and alumni want to participate. In exchange for providing this unique, exciting opportunity, the Alumni Association asks participants to sign a liability waiver in which individuals agree they will not sue if they are injured.

The Office of the Vice President of Student Affairs requests that all Student Affairs departments use liability waivers and/or Assumptions of Risk when hosting, sponsoring or leading any student activity in which there is a reasonable level of risk associated.

Risks might include physical injury due to physical activity, strain, collision in an athletic activity, weather, terrain, poor preparation, etc. It might include emotional distress resulting from participation in emotionally challenging volunteer programs, such as working with an impoverished population. It might also include risk of damage to personal property, like cars, kayaks, bikes and/or electronics.

How do you make sure you're in compliance?

The first step in creating the appropriate form is to identify the risks associated with your activity. You may need to do some research, visit the site and/or contact individuals at the location who can help you identify some of the risks associated with this program. Once you've identified the risks, please contact Denielle Burl who will help you develop a form that will fit your unique activity.

Important Notes:

In Connecticut, a person under the age of 18 is considered to be a minor. In most states, including Connecticut, waivers signed by minors will be struck down in the court as invalid. Please make sure that when dealing with minor students, you have both the student and a parent or guardian sign the form.

University Policies that Pertain to this Issue:

- None.

Resources:

- Denielle Burl, Director of Risk Management, who may be contacted at denielle.burl@uconn.edu or 860.486.2265.
- Office of the Attorney General at the University of Connecticut, which may be reached at 860.486.4241.